

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN KROHN,

2:12-CV-2099 JCM (NJK)

Plaintiff(s),

V.

AMERICAN AUTOMOBILE
ASSOCIATION OF NORTHERN
CALIFORNIA NEVADA & UTAH dba
AAA NEVADA INSURANCE, et al.,

Defendant(s).

ORDER

17 Presently before the court is the report and recommendation of Magistrate Judge Koppe.
18 (Doc. # 36). No objections have been filed even though the deadline date for filing objections has
19 expired.

20 Also before the court is defendant's motion for attorneys' fees. (Doc. #42). Plaintiff filed a
21 response in opposition (doc. # 44) and defendant replied (doc. # 45).

22 Defendant filed a motion to dismiss plaintiff's complaint in this case due to plaintiff's failure
23 to prosecute this action, failure to cooperate in discovery, and failure to appear without justification.
24 (Doc. # 32). The magistrate judge recommended that the court grant this motion due to the egregious
25 nature of plaintiff's consistent failures to appear and make required disclosures. (Doc. # 36).

26 This court “may accept, reject, or modify, in whole or in part, the findings or
27 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to

1 a magistrate judge's report and recommendation, then the court is required to "make a de novo
 2 determination of those portions of the [report and recommendation] to which objection is made."
 3 28 U.S.C. § 636(b)(1).

4 Where a party fails to object, however, the court is not required to conduct "any review at all
 5 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
 6 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
 7 judge's report and recommendation where no objections have been filed. *See United States v.*
 8 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
 9 district court when reviewing a report and recommendation to which no objections were made); *see*
 10 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
 11 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
 12 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
 13 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
 14 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
 15 to which no objection was filed).

16 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 17 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
 18 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in
 19 full.

20 Furthermore, due to plaintiff's egregious failures to comply with orders of the court, provide
 21 disclosures, and appear when required to do so, the court finds it appropriate to award attorneys' fees
 22 to defendant for the work incurred following March 1, 2013, the date on which plaintiff's counsel
 23 initially failed to make mandatory disclosures. The court finds that the attorneys' fees incurred by
 24 defendant after that date, \$13,758.00, are reasonable and that this sanction is appropriate pursuant
 25 to Federal Rule of Civil Procedure 37.

26 . . .

27 . . .

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1 || Accordingly,

2 IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of
3 Magistrate Judge Koppe (doc. # 36) be, and the same hereby is, ADOPTED in its entirety.

4 IT IS FURTHER ORDERED defendant's motion to dismiss (doc. # 32) is GRANTED.

5 IT IS FURTHER ORDERED that defendant's motion for attorneys' fees is GRANTED.

6 Plaintiff shall be required to pay defendant the amount of \$13,758.00.

7 IT IS FURTHER ORDERED that the clerk is instructed to enter judgment accordingly and
8 close the case.

9 DATED February 24, 2014.

James C. Mahan
UNITED STATES DISTRICT JUDGE